

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 860

Introduced by Baker, 44

Read first time January 7, 2004

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to transportation; to amend sections 30-24,125,
2 60-484.02, and 60-1901, Revised Statutes Supplement,
3 2002, and sections 60-139 and 60-301, Revised Statutes
4 Supplement, 2003; to provide for transfer of certificates
5 of title upon death; to define and redefine terms; to
6 provide for limited release of digital images and
7 signatures; to provide for abandoned all-terrain vehicles
8 and minibikes; and to repeal the original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 30-24,125, Revised Statutes
2 Supplement, 2002, is amended to read:

3 30-24,125. (a) Thirty days after the death of a
4 decedent, any person indebted to the decedent or having possession
5 of tangible personal property or an instrument evidencing a debt,
6 obligation, stock, or chose in action belonging to the decedent
7 shall make payment of the indebtedness or deliver the tangible
8 personal property or an instrument evidencing a debt, obligation,
9 stock, or chose in action to a person claiming to be the successor
10 of the decedent upon being presented an affidavit made by or on
11 behalf of the successor stating:

12 (1) the value of all of the personal property in the
13 decedent's estate, wherever located, less liens and encumbrances,
14 does not exceed twenty-five thousand dollars;

15 (2) thirty days have elapsed since the death of the
16 decedent as shown in a certified or authenticated copy of the
17 decedent's death certificate attached to the affidavit;

18 (3) the claiming successor's relationship to the decedent
19 or, if there is no relationship, the basis of the successor's claim
20 to the personal property;

21 (4) the person or persons claiming as successors under
22 the affidavit swear or affirm that all statements in the affidavit
23 are true and material and further acknowledge that any false
24 statement may subject the person or persons to penalties relating
25 to perjury under section 28-915;

26 (5) no application or petition for the appointment of a
27 personal representative is pending or has been granted in any
28 jurisdiction; and

1 (6) the claiming successor is entitled to payment or
2 delivery of the property.

3 (b) A transfer agent of any security shall change the
4 registered ownership on the books of a corporation from the
5 decedent to the successor or successors upon the presentation of an
6 affidavit as provided in subsection (a).

7 (c) In addition to compliance with the requirements of
8 subsection (a), a person seeking a transfer of a certificate of
9 title to a motor vehicle, motorboat, all-terrain vehicle, or
10 minibike shall be required to furnish to the Department of Motor
11 Vehicles an affidavit showing applicability of this section and
12 compliance with the requirements of this section to authorize the
13 department to issue a new certificate of title.

14 Sec. 2. Section 60-139, Revised Statutes Supplement,
15 2003, is amended to read:

16 60-139. (1) Sections 60-139 to 60-169 apply to
17 all-terrain vehicles as defined in section 60-6,355 and minibikes
18 as defined in section 60-636, including assembled all-terrain
19 vehicles and minibikes. For purposes of sections 60-139 to 60-169,
20 assembled all-terrain vehicle or minibike means an all-terrain
21 vehicle or minibike that is materially altered from its
22 construction by the removal, addition, or substitution of new or
23 used major component parts. Its make shall be assembled, and its
24 model year shall be the year in which the all-terrain vehicle or
25 minibike was assembled.

26 (2) All new all-terrain vehicles and minibikes sold on or
27 after January 1, 2004, shall be required to have a certificate of
28 title. An owner of an all-terrain vehicle or minibike sold prior

1 to such date may apply for a certificate of title for such
2 all-terrain vehicle or minibike as provided in rules and
3 regulations of the Department of Motor Vehicles.

4 Sec. 3. Section 60-301, Revised Statutes Supplement,
5 2003, is amended to read:

6 60-301. For purposes of Chapter 60, article 3, unless
7 the context otherwise requires:

8 (1) Agricultural products means field crops and
9 horticultural, viticultural, forestry, nut, dairy, livestock,
10 poultry, bee, and farm products, including sod grown on the land
11 owned or rented by the farmer, and the byproducts derived from any
12 of them;

13 (2) Apportionable vehicle means any vehicle used or
14 intended for use in two or more member jurisdictions that allocate
15 or proportionally register vehicles and used for the transportation
16 of persons for hire or designed, used, or maintained primarily for
17 the transportation of property. Apportionable vehicle does not
18 include any recreational vehicle, vehicle displaying restricted
19 plates, city pickup and delivery vehicle, bus used in the
20 transportation of chartered parties, or government-owned vehicle.
21 Such vehicle shall either (a) be a power unit having two axles and
22 a gross vehicle weight or registered gross vehicle weight in excess
23 of twenty-six thousand pounds, (b) be a power unit having three or
24 more axles, regardless of weight, or (c) be used in combination
25 when the weight of such combination exceeds twenty-six thousand
26 pounds gross vehicle weight. Vehicles or combinations of vehicles
27 having a gross vehicle weight of twenty-six thousand pounds or less
28 and two-axle vehicles and buses used in the transportation of

1 chartered parties may be proportionally registered at the option of
2 the registrant;

3 (3) Automobile liability policy means liability insurance
4 written by an insurance carrier duly authorized to do business in
5 this state protecting other persons from damages for liability on
6 account of accidents occurring subsequent to the effective date of
7 the insurance arising out of the ownership of a motor vehicle (a)
8 in the amount of twenty-five thousand dollars because of bodily
9 injury to or death of one person in any one accident, (b) subject
10 to the limit for one person, in the amount of fifty thousand
11 dollars because of bodily injury to or death of two or more persons
12 in any one accident, and (c) in the amount of twenty-five thousand
13 dollars because of injury to or destruction of property of other
14 persons in any one accident. An automobile liability policy shall
15 not exclude liability coverage under the policy solely because the
16 injured person making a claim is the named insured in the policy or
17 residing in the household with the named insured;

18 (4) Base jurisdiction means, for purposes of fleet
19 registration, the jurisdiction where the registrant has an
20 established place of business, where miles or kilometers are
21 accrued by the fleet, and where operational records of such fleet
22 are maintained or can be made available. For such purpose, there
23 is hereby adopted and incorporated by reference section 1602 of
24 Article XVI, International Registration Plan, adopted by the
25 American Association of Motor Vehicle Administrators, as revised
26 October 1, 2001;

27 (5) Cabin trailer means any vehicle without motive power
28 designed for living quarters and for being drawn by a motor vehicle

1 and not exceeding one hundred two inches in width, forty feet in
2 length, or thirteen and one-half feet in height, except as provided
3 in subdivision (2)(k) of section 60-6,288;

4 (6) Commercial trailer means any trailer or semitrailer
5 which has a gross weight, including load thereon, of more than nine
6 thousand pounds and which is designed, used, or maintained for the
7 transportation of persons or property for hire, compensation, or
8 profit or designed, used, or maintained primarily for the
9 transportation of property. Commercial trailer and does not
10 include farm trailers, fertilizer trailers, utility trailers, or
11 cabin trailers;

12 (7) Commercial vehicle means any motor vehicle used or
13 maintained for the transportation of persons or property for hire,
14 compensation, or profit or designed, used, or maintained primarily
15 for the transportation of property and does not include farm
16 trucks;

17 (8) Evidence of insurance means evidence of a current and
18 effective automobile liability policy;

19 (9) Farm trailer means any trailer or semitrailer (a)
20 used exclusively to carry a farmer's or rancher's own supplies,
21 farm equipment, and household goods to or from the owner's farm or
22 ranch, (b) used by the farmer or rancher to carry his or her own
23 agricultural products, livestock, and produce to or from storage
24 and market and attached to a passenger car, commercial-licensed
25 vehicle registered for sixteen tons or less, or farm-licensed
26 vehicle, or (c) used by a farmer or rancher to carry his or her own
27 agricultural products, livestock, and produce to and from market.
28 Such trailers shall carry on their license plate, in addition to

1 the registration number, the letter X. Farm trailer does not
2 include a trailer so used when attached to a farm tractor;

3 (10) Farm trucks means trucks, including combinations of
4 trucks or truck-tractors and trailers or semitrailers, of farmers
5 or ranchers (a) used exclusively to carry a farmer's or rancher's
6 own supplies, farm equipment, and household goods to or from the
7 owner's farm or ranch, (b) used by the farmer or rancher to carry
8 his or her own agricultural products, livestock, and produce to or
9 from storage or market, (c) used by farmers or ranchers in exchange
10 of service in such hauling of such supplies or agricultural
11 products, livestock, and produce, or (d) used occasionally to carry
12 camper units, to pull boats or cabin trailers, or to carry or pull
13 museum pieces or vehicles of historical significance, without
14 compensation, to events for public display or educational purposes.
15 Such trucks may carry on their license plates, in addition to the
16 registration number, the designation farm and the words NOT FOR
17 HIRE;

18 (11) Fertilizer trailer means any trailer, including
19 gooseneck applicators or trailers, designed and used exclusively to
20 carry or apply agricultural fertilizer or agricultural chemicals
21 and having a gross weight, including load thereon, of twenty
22 thousand pounds or less. Such trailers shall carry on their
23 license plate, in addition to the registration number, the letter
24 X;

25 (12) Film vehicle means any motor vehicle or trailer used
26 exclusively by a nonresident production company temporarily on
27 location in Nebraska producing a feature film, television
28 commercial, documentary, or industrial or educational videotape

1 production;

2 (13) Fleet means one or more apportionable vehicles;

3 (14) Highways means public streets, roads, turnpikes,
4 parks, parkways, drives, alleys, and other public ways used for the
5 passage of road vehicles;

6 (15) Injurisdiction distance means total miles or
7 kilometers operated (a) in the State of Nebraska during the
8 preceding year by the motor vehicle or vehicles registered and
9 licensed for fleet operation and (b) in noncontracting reciprocity
10 jurisdictions by fleet vehicles that are base-plated in Nebraska;

11 (16) Local truck means a truck and combinations of
12 trucks, truck-tractors, or trailers or semitrailers operated solely
13 within an incorporated city or village or within ten miles of the
14 corporate limits of the city or village in which they are owned,
15 operated, and registered. Such trucks shall carry on their license
16 plates, in addition to the registration number, the designation of
17 local truck;

18 (17) Motor vehicle means any vehicle propelled by any
19 power other than muscular power except (a) mopeds as defined in
20 section 60-637, (b) farm tractors, (c) self-propelled equipment
21 designed and used exclusively to carry and apply fertilizer,
22 chemicals, or related products to agricultural soil and crops,
23 agricultural floater-spreader implements as defined in section
24 60-6,294.01, and other implements of husbandry designed for and
25 used primarily for tilling the soil and harvesting crops or feeding
26 livestock, (d) power unit hay grinders or a combination which
27 includes a power unit and a hay grinder when operated without
28 cargo, (e) vehicles which run only on rails or tracks, (f) off-road

1 designed vehicles, including, but not limited to, golf carts,
2 go-carts, riding lawnmowers, garden tractors, all-terrain vehicles
3 as defined in section 60-6,355, snowmobiles as defined in section
4 60-663, and minibikes as defined in section 60-636, (g) road and
5 general-purpose construction and maintenance machinery not designed
6 or used primarily for the transportation of persons or property,
7 including, but not limited to, ditchdigging apparatus, asphalt
8 spreaders, bucket loaders, leveling graders, earthmoving carryalls,
9 power shovels, earthmoving equipment, and crawler tractors, (h)
10 self-propelled chairs used by persons who are disabled, and (i)
11 electric personal assistive mobility devices as defined in section
12 60-618.02;

13 (18) Motorcycle means any motor vehicle, except a
14 tractor, an all-terrain vehicle as defined in section 60-6,355, or
15 an electric personal assistive mobility device as defined in
16 section 60-618.02, having a seat or saddle for use of the rider and
17 designed to travel on not more than three wheels in contact with
18 the ground;

19 (19) Noncontracting reciprocity jurisdiction means any
20 jurisdiction which is not a party to any type of contracting
21 agreement between the State of Nebraska and one or more other
22 jurisdictions for registration purposes on commercial vehicles and,
23 as a condition to operate on the highways of that jurisdiction, (a)
24 does not require any type of vehicle registration or allocation of
25 vehicles for registration purposes or (b) does not impose any
26 charges based on miles operated, other than those that might be
27 assessed against fuel consumed in that jurisdiction, on any
28 vehicles which are part of a Nebraska-based fleet;

1 (20) Owner means a person, firm, or corporation which
2 holds a legal title of a vehicle. If (a) a vehicle is the subject
3 of an agreement for the conditional sale thereof with the right of
4 purchase upon performance of the conditions stated in the agreement
5 and with an immediate right of possession vested in the conditional
6 vendee, (b) a vehicle is subject to a lease of thirty days or more
7 with an immediate right of possession vested in the lessee, or (c)
8 a mortgagor of a vehicle is entitled to possession, then such
9 conditional vendee, lessee, or mortgagor shall be deemed the owner
10 for purposes of Chapter 60, article 3. For such purpose, there are
11 hereby adopted and incorporated by reference the provisions of
12 Article XI, International Registration Plan, adopted by the
13 American Association of Motor Vehicle Administrators, as revised
14 October 1, 2001;

15 (21) Park means to stop a vehicle for any length of time,
16 whether occupied or unoccupied;

17 (22) Passenger car means a motor vehicle designed and
18 used to carry ten passengers or less and not used for hire;

19 (23) Proof of financial responsibility has the same
20 meaning as in section 60-501;

21 (24) Self-propelled mobile home means a vehicle with
22 motive power designed for living quarters;

23 (25) Semitrailer means any vehicle without motive power
24 designed for carrying persons or property and for being drawn by a
25 motor vehicle and so constructed that some part of its weight and
26 that of its load rests upon or is carried by the towing vehicle;

27 (26) Suspension of operator's license has the same
28 meaning as in section 60-476.02;

1 (27) Total fleet distance means the total distance
2 operated in all jurisdictions during the preceding year by the
3 vehicles in such fleet during such year;

4 (28) Trailer means any vehicle without motive power
5 designed for carrying persons or property and being pulled by a
6 motor vehicle and so constructed that no part of its weight rests
7 upon the towing vehicle;

8 (29) Transporter means any person lawfully engaged in the
9 business of transporting vehicles not his or her own solely for
10 delivery thereof (a) by driving singly, (b) by driving in
11 combinations by the towbar, fullmount, or saddlemount methods or
12 any combinations thereof, or (c) when a truck or tractor draws a
13 semitrailer or tows a trailer;

14 (30) Truck means a motor vehicle that is designed, used,
15 or maintained primarily for the transportation of property;

16 (31) Truck-tractor means any motor vehicle designed and
17 used primarily for drawing other vehicles and not so constructed as
18 to carry a load other than a part of the weight of the vehicle and
19 load being drawn;

20 (32) Utility trailer means a trailer having a gross
21 weight, including load thereon, of nine thousand pounds or less
22 attached to a motor vehicle. ~~and used exclusively to carry~~
23 ~~miscellaneous items of personal property.~~ Such trailers shall
24 carry on their license plate, in addition to the registration
25 number, the letter X; and

26 (33) Vehicle means any device in, upon, or by which any
27 person or property is or may be transported or drawn upon a public
28 highway except devices moved solely by human power or used

1 exclusively upon stationary rails or tracks.

2 Sec. 4. Section 60-484.02, Revised Statutes Supplement,
3 2002, is amended to read:

4 60-484.02. (1) Each applicant for an operator's license
5 or state identification card shall have his or her photograph taken
6 or, beginning on the implementation date designated pursuant to
7 section 60-484.01, have his or her digital image taken. Digital
8 images shall be preserved for use as prescribed in sections
9 60-4,119, 60-4,151, and 60-4,180. The images shall be used for
10 issuing operators' licenses and state identification cards. The
11 images may be retrieved only by the Department of Motor Vehicles
12 for issuing renewal, duplicate, and replacement operators' licenses
13 and state identification cards and may not be otherwise released
14 except in accordance with subsection (3) of this section.

15 (2) Upon application for an operator's license or state
16 identification card, each applicant shall provide his or her
17 signature in a form prescribed by the department. Beginning on the
18 implementation date designated pursuant to section 60-484.01,
19 digital signatures shall be preserved for use on original, renewal,
20 duplicate, and replacement operators' licenses and state
21 identification cards and may not be otherwise released except in
22 accordance with subsection (3) of this section.

23 (3) No officer, employee, agent, or contractor of the
24 department or a law enforcement officer shall release a digital
25 image or a digital signature except to a federal, state, or local
26 law enforcement agency or a driver licensing agency of another
27 state for the purpose of carrying out the functions of the agency
28 or assisting another agency in carrying out its functions upon the

1 verification of the identity of the person requesting the release
2 of the information and the verification of the purpose of the
3 requester in requesting the release. Any officer, employee, agent,
4 or contractor of the department or law enforcement officer that
5 knowingly discloses or knowingly permits disclosure of a digital
6 image or digital signature in violation of this section shall be
7 guilty of a Class IV felony and shall be subject to removal from
8 office or discharge in the discretion of the Governor or agency
9 head, as appropriate.

10 Sec. 5. Section 60-1901, Revised Statutes Supplement,
11 2002, is amended to read:

12 60-1901. (1) A motor vehicle is an abandoned vehicle:

13 (a) If left unattended, with no license plates or valid
14 In Transit decals issued pursuant to section 60-320 affixed
15 thereto, for more than six hours on any public property;

16 (b) If left unattended for more than twenty-four hours on
17 any public property, except a portion thereof on which parking is
18 legally permitted;

19 (c) If left unattended for more than forty-eight hours,
20 after the parking of such vehicle has become illegal, if left on a
21 portion of any public property on which parking is legally
22 permitted;

23 (d) If left unattended for more than seven days on
24 private property if left initially without permission of the owner,
25 or after permission of the owner is terminated; or

26 (e) If left for more than thirty days in the custody of a
27 law enforcement agency after the agency has sent a letter to the
28 last-registered owner under section 60-1903.01.

1 (2) An all-terrain vehicle or minibike is an abandoned
2 vehicle:

3 (a) If left unattended for more than twenty-four hours on
4 any public property, except a portion thereof on which parking is
5 legally permitted;

6 (b) If left unattended for more than forty-eight hours,
7 after the parking of such vehicle has become illegal, if left on a
8 portion of any public property on which parking is legally
9 permitted;

10 (c) If left unattended for more than seven days on
11 private property if left initially without permission of the owner,
12 or after permission of the owner is terminated; or

13 (d) If left for more than thirty days in the custody of a
14 law enforcement agency after the agency has sent a letter to the
15 last-registered owner under section 60-1903.01.

16 (3) For purposes of this section:

17 (a) Public property means any public right-of-way,
18 street, highway, alley, or park or other state, county, or
19 municipally owned property; and

20 (b) Private property means any privately owned property
21 which is not included within the definition of public property.

22 ~~(3)~~ (4) No motor vehicle subject to forfeiture under
23 section 28-431 shall be an abandoned vehicle under this section.

24 Sec. 6. Original sections 30-24,125, 60-484.02, and
25 60-1901, Revised Statutes Supplement, 2002, and sections 60-139 and
26 60-301, Revised Statutes Supplement, 2003, are repealed.